



Entered on Docket
September 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTIETH
OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOFS OF
CLAIM FOR LACK OF
DOCUMENTATION (EXCEPT USA
COMMERCIAL REAL ESTATE GROUP)**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

The Court having considered the "Twentieth Omnibus Objection of the USACM Liquidating Trust to Proofs of Claim for Lack of Documentation" [Docket No. 7256] (the

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

“Objection”); with appropriate notice of the Objection having been given; with no response to the Objection having been filed; and good cause appearing:

IT IS HEREBY ORDERED that:

1. The Objection is sustained except as to Proof of Claim No. 10725-00749 filed by USA Commercial Real Estate Group, which was resolved by stipulation [DE 7368] and Order [DE 7375] of this Court;
2. The claims listed in **Exhibit A** are disallowed in their entirety;
3. Nothing in this order should prejudice the rights of USACM Trust to file further objections to any portion of the claims listed on **Exhibit A**.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ 018024)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 018024)
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

USACM Liquidating Trust
PROOFS OF CLAIM THAT LACK SUPPORTING DOCUMENTATION
TWENTIETH OMNIBUS OBJECTION

Claim	Name	Address	Claim Amount
10725-00244	Hoggard, Jack	7022 Rushwood DR El Dorado Hills, CA 95762	15,000.00
10725-00273	Berry, Donald	408 Wasatch CIR Fernley, NV 89408	-
10725-00289	Ruth And/Or Robert Geiger	1352 Mt Hood St. Las Vegas, NV 89110	-
10725-00342	Hruby, Monica M	Po Box 3191 Incline Village, NV 89450-3191	312,400.00
10725-00362	Fiserv Trust Company TTEE FBO	Edward L Felman IRA 060000075175 Po Box 17331 Denver, CO 80217	-
10725-00369	Beulah J Johnson Living Trust DTD 5/31/01	C/O Beulah J Johnson Trustee 8122 W Flamingo Rd Unit 160 Las Vegas, NV 89147-4210	-
10725-00438	Berry JT WROS, Donald L & Shanon L	408 Wasatch Ct Fernley, NV 89408	-
10725-00449	Heald, Bradford A	44219 Corfu Ct Palm Desert, CA 92260-8536	56,799.94
10725-00618	Leff-Kaplan, Renee	4330 Romero Dr Tarzana, CA 91356	60,000.00
10725-00749	USA Commercial Real Estate Group	C/O Jeffrey R Sylvester Esq Sylvester & Polednak Ltd 7371 Prairie Falcon Rd St Las Vegas, NV 89128	46,869.00
10725-00857	Bolino Family Revocable Trust Dated 3/6/95	17412 Serene Dr. Morgan Hill, CA 95037	100,000.00